THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.23515 of 2005

Between:

K.Radha Krishna and others.

.. **PETITIONER**

AND

The Government of Andhra Pradesh and others. .. **RESPONDENTS**

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ORDER:

The father of the petitioner is said to have purchased an extent of Ac.2-50 cents and Ac.2-00 cents of land in R.S.Nos.31/2A and 31/2B of Pidathamamidi village, Gangavaram Mandal of East Godavari District in the year 1968. Proceedings were initiated by the third respondent before the second respondent against the father of the petitioner and another by filing L.T.R.P.No.182 of 1979 under the provisions of A.P. Scheduled Areas Land Transfer Regulation 1/59 as amended by Regulation 1/70. Through order dated 24-07-1985, the second respondent dismissed the L.T.R.P.No.182 of 1979.

In the year 2002, the third respondent initiated proceedings once again against the petitioner in respect of the same land. The petitioner resisted the same by pleading that the order in L.T.R.P. would operate as *res judicata*. However, the second respondent passed an order dated 27-11-2002 directing eviction of the petitioners. Aggrieved by the same, the petitioner and her mother filed CMA No.5 of 2005 before the first respondent. The appeal was dismissed on 17-09-2005. The

petitioner challenges the same.

Sri M.V.S.Suresh Kumar, learned counsel for the petitioner had raised several contentions including one of *res judicata.* He contends that it was not open for the third respondent to initiate proceedings before the second respondent once again in the year 2002, once similar proceedings initiated in the year 1979, ended up in dismissal.

Learned Government Pleader for Social Welfare, on the other hand, submits that the petitioner had an effective alternative remedy by way of a revision and that the writ petition is not maintainable.

The second respondent ordered eviction of the petitioner through his order dated 27-11-2002 passed in LRT No.112 of 2002. The petitioner and her mother availed the remedy of appeal before the first respondent. In the original as well as in the appeal proceedings, the petitioner pleaded that the order passed in L.T.R.P.No.182 of 79 would operate as *res judicata*. The appeal was dismissed.

It is not in dispute that the regulations provided for a revision before the Government. When such an effective alternative remedy is available to the petitioner, this court cannot entertain the petition. The apprehension of the petitioner is that she may be evicted from the land by the time the remedy of revision is availed or any interim orders passed therein can be attended to by issuing appropriate directions.

Hence, the writ petition is disposed of leaving it open to the petitioner to avail the remedy of revision before the Government against the order passed by the first respondent in C.M.A.No.5 of 2004 and to make an application for grant of interim orders. The order, in C.M.A.No.5 of 2004, dated 17-09-2005, is suspended for a period of four (4) weeks from today. No order as to costs.

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L.NARASIMHA REDDY, J

Date:02-11-2005

Prv